

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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| (1) JOSHUA FIELDS |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) Case No. 21-cv-00986-G |
| |) |
| (1) GREAT LAKES INSURANCE SE, |) <i>Removed from the District Court of</i> |
| |) <i>Kay County, State of</i> |
| (2) MJ KELLY COMPANY, and |) <i>Oklahoma, Case No. CJ-2021-00037</i> |
| |) |
| (3) CAPSTONE ISG, |) |
| |) |
| Defendants. |) |

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT GREAT LAKES
INSURANCE SE'S MOTION IN LIMINE NO. 5 REGARDING OKLAHOMA'S UNFAIR
CLAIMS SETTLEMENT PRACTICES ACT**

COMES NOW Plaintiff, Joshua Fields, and opposes Defendant Great Lakes Insurance SE's Motion in Limine No. 5. Plaintiff does not oppose the motion to the extent Defendant seeks a limitation that the Unfair Claims Settlement Practices Act cannot be used or referenced in trial as a recognized standard under Oklahoma law for claims handling by an insurer. Plaintiff does not intend to reference or introduce the Act, in whole or in part, for that purpose. However, the Act, in whole or in part, may become relevant if evidence is introduced that Defendant had adopted the Act as its own standard for the handling of claims like the one submitted by Plaintiff. If Defendant relied on portions of the Act to model and train its employees on acceptable claim practices, then Plaintiff should be allowed to show how Defendant violated Defendant's own standards for the acceptable handling of Plaintiff's claims.

For these reasons, Plaintiff respectfully asks this Court overrule Defendant's Motion in Limine No. 5 to the extent it seeks prohibiting the introduction or reference of the Oklahoma Unfair Claims Settlement Practices Act under all considerations for its relevancy at trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November 2022, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants, via email:

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